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April 11, 2023

VIA CM/ECF

The Honorable Jessica S. Allen, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Building & United States Courthouse
50 Walnut Street Room 4015
Newark, NJ 07101

Re: ***D'Ambly v. Exoo, et al.*, Civil Case No.: 2:20-cv-12880-JMV-JSA**
Joint Letter in Response to Text Order (ECF No. 158)

Dear Judge Allen:

Defendants Tribune Publishing Company, LLC (“Tribune”) and the New York Daily News (the “Daily News”) write jointly with Plaintiff Daniel D’Ambly regarding the above-captioned matter. This letter is in response to your Text Order dated March 31, 2023 (ECF No. 158) directing the parties to attempt to resolve their discovery disputes through the meet and confer process.

I. Status of Remaining Discovery Disputes

Counsel met and conferred on April 6, 2023, during which Defendants’ counsel agreed solely to avoid an unnecessary dispute to incur the additional costs and re-produce responsive, non-privileged documents in native format to Plaintiff.

However, a dispute over the Defendants’ privilege log remains. Plaintiff’s counsel reiterated his objections to Defendants’ privilege log and Defendants reiterated their position that the documents at issue are privileged documents. As the parties are unable to come to an agreement through the meet and confer process, court intervention is proper under the FRCP and Local Rules.

II. Status of Completing Discovery

The parties also write to inform Your Honor of the remaining discovery that the parties plan to take and to request an extension of the discovery period for good cause. This additional time is necessary to resolve the parties’ dispute over the privilege log and complete the depositions. As soon as the aforementioned discovery dispute is resolved, Defendants intend to depose the following individuals:

- Plaintiff Daniel D’Ambly

Plaintiff intends to depose the following individuals:

**McDermott
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- Jean Nechvatal, Tribune Publishing Company
- Maya Bordeaux, formerly Tribune Publishing Company
- James “Jimmy” Brill, formerly New York Daily News
- Ed Bushey, formerly New York Daily News
- George Martin, formerly New York Daily News
- Christian Exoo

Neither party anticipates that expert discovery will be necessary. The parties have completed all written requests for admission and requests for production, and no interrogatories were served. Given the number of depositions of third parties that Plaintiff intends to take, the parties request that the close of fact discovery be extended 90 days to Monday, August 21, 2023, to ensure that all witnesses can be located, subpoenaed, and deposed.

The parties further request that this Court set a briefing schedule for dispositive motions as Defendants intend to file a motion for summary judgment promptly upon the close of discovery. The parties propose the following schedule:

- Any motions for summary judgment are due 30 days after the close of discovery on Wednesday, September 20, 2023;
- Responses to motions for summary judgment due 30 thereafter on Friday, October 20, 2023; and
- Reply briefs in support of motions for summary judgment due 14 days thereafter on Friday, November 3, 2023.

The parties appreciate the Court’s assistance in the above matters.

Respectfully submitted,

s/ Joseph Mulherin
Joseph Mulherin
Emily Starbuck
McDermott Will & Emery LLP
*Attorneys for Tribune Publishing Company
and New York Daily News*

s/ Patrick Trainor
Patrick Trainor
Law Office of Patrick Trainor
Attorney for Plaintiff Daniel D’Ambly

**McDermott
Will & Emery**